**IN THE UNITED STATES BANKRUPTCY COURT**
**MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

| | |
|---|---|
| **TERESA JEAN PREISS** | **Case No. 3:15-bk-06006** |
| | **Chapter 13** |
| **Debtor.** | **Judge: RANDAL S. MASHBURN** |

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**EXPEDITED MOTION TO SUSPEND CHAPTER 13 PLAN PAYMENTS**

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Comes now the Debtor, Teresa Jean Preiss, by and through counsel, pursuant to Local Rule 9075-1, and requests an expedited hearing on a Motion to Suspend Chapter 13 Plan Payments. In support of this Motion, Debtor would show the following:

1. Debtor moves for an order to suspend Chapter 13 Plan payments for ninety (90) days.

2. Debtor requests that the Court hear this Motion on an expedited basis because Debtor is scheduled for surgery next week and will require continued treatments following her surgery.

3. Debtor anticipates she will receive 67% of her regular income through short-term disability benefit payments.

4. Debtor is currently employed however, due to her reduced income during her short-term disability benefits period she will not have sufficient income to make the Chapter 13 Plan Payments and cover the Debtor's necessary living expenses. *See attached Amended Family Budget.*

5. Once an Order setting a hearing on this motion is entered, Debtor's counsel will give notice to the United States Trustee and Chapter 13 Trustee via electronic service through the ECF filing system, to the creditors on the Court's matrix by first-class United States mail.

6. Debtor proposes that this Expedited Motion be set for hearing on the next available Chapter 13 court docket in Courtroom 1, Customs House, 701 Broadway, Nashville, Tennessee, allowing at least one week's notice to the parties involved.

7. In support of this Motion, Debtor represents the following:

a. Debtor is currently employed however, she will not be working for several weeks following her surgery and subsequent treatments for her medical condition.

b. Debtor anticipates she will receive 67% of her regular income through short-term disability benefit payments.

c. Debtor wishes to suspend the Chater 13 Plan payments for ninety (90) days.

d. Debtor will attend the Trustee's Financial Management Workshop within forty-five (45) days of the the date the Order is entered.

e. Once the case is reinstated, Debtor proposes that the Plan payments be modified as stated below:

    i. The Plan payments will increase to $640.00 semi-monthly;

    ii. The guaranteed maximum dividend to all claims would remain at one hundred percent (100%).

    iii. The Plan would continue on a probationary basis subject to dismissal upon application of the Trustee following a future default in Plan payments.

    iv. No other terms of the confirmation order shall be affected by the Plan payment suspension.

WHEREFORE, the Debtor respectfully prays that this Honorable Court enter an order for the following relief:

a) That the Court enter an Order setting an expedited hearing on this matter for the next available Chapter 13 Court's docket;

b) That after hearing the Court enter an Order suspending the Chapter 13 Plan payments for ninety (90) days;

c) That the Trustee shall issue a refund for any payments received during the period of suspension;

d) That after the suspension period the required plan payments would increase to $640.00 semi-monthly.

e) That the Debtor shall attend the Trustee's financial management class within forty five (45) days of entry of this order.

f) That the Debtor shall make all payments after the suspension period in accordance with the terms proposed above and that should the Debtor fail to make any payment as required, this case will be dismissed upon filing of notice by the Trustee, without further hearing.;

g) That the Debtor shall forward all tax refunds received during her case and subsequent to this order to the trustee for application to the plan.

h) Any further and just relief this Court deems necessary.

Dated on April 20, 2017.

Respectfully submitted,

*/s/ Jon Daniel Long*
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*Attorney for Debtor*

PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT**
**MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

| | |
|---|---|
| **TERESA JEAN PREISS** | **Case No. 3:15-bk-06006** |
| | **Chapter 13** |
| **Debtor.** | **Judge: RANDAL S. MASHBURN** |

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**ORDER ON EXPEDITED MOTION TO SUSPEND CHAPTER 13 PLAN PAYMENTS**

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This matter is before the Court on Debtor's Expedited Motion to Suspend Chapter 13 Plan Payments;

Either no objection was raised or any objection raised was overruled at the hearing on this motion. It is therefore:

**ORDERED**, that the Debtor's Chapter 13 plan payments be suspended for a period of ninety (90) days beginning upon entry of this order. It is further

**ORDERED**, that the Chapter 13 Trustee shall refund any funds received to the Debtor during the period of suspension. It is further

**ORDERED**, that the Plan payments will increase to $640.00 semi-monthly. It is further

**ORDERED**, that the Plan would continue on a probationary basis subject to dismissal upon application of the Trustee following a future default in Plan payments; It is further

**ORDERED**, that the Debtor shall forward all tax refunds received during their case and subsequent to this order to the trustee for application to the plan. It is further

**ORDERED**, that the Debtor shall attend the Trustee's financial management class within forty-five (45) days of entry of this order. It is further

**ORDERED**, that there shall be no changes to the treatment of the creditors.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THE FIRST PAGE

Approved For Entry By:

*/s/ Jon Daniel Long*
Jon Daniel Long TN BPR #31211
302 42nd Avenue North
Nashville, TN 37209
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ecfmail@tennessee-bankruptcy.com

*Attorney for Debtor*

**IN THE UNITED STATES BANKRUPTCY COURT**
**MIDDLE DISTRICT OF TENNESSEE**
**NASHVILLE DIVISION**

**IN RE:**

**TERESA JEAN PREISS** — **CASE NO. 3:15-bk-06006**
**CHAPTER 13**
**DEBTOR** — **Judge: RANDAL S. MASHBURN**

## AMENDED MONTHLY FAMILY BUDGET

| | | | Prior Budget | Current Budget |
|---|---|---|---|---|
| Dates of Budgets: | | | 8/27/2015 | 4/18/2017 |
| **EXPENSES** | | | | |
| Rent/Mortgage Payment: | | | $1,200.00 | $1,200.00 |
| Utilities: | Prior | Current | | |
| Electric, heat, natural gas | $220.00 | $220.00 | | |
| Water, sewer | $120.00 | $120.00 | | |
| Telephone/Cell Phone/Inet/Cable | $600.00 | $600.00 | | |
| Home Maintenance | $0.00 | $60.00 | | |
| HOA Dues | $0.00 | $0.00 | | |
| Other | $0.00 | $0.00 | | |
| Other: | $0.00 | $0.00 | | |
| Total Utilities | | | $940.00 | $1,000.00 |
| Food | | | $350.00 | $450.00 |
| Child Care, Children Education Costs | | | $0.00 | $0.00 |
| Clothing, Laundry, dry cleaning | | | $50.00 | $50.00 |
| Personal Care Products | | | $70.00 | $70.00 |
| Medical and Dental Expenses | | | $350.00 | $955.00 |
| Transportation (not including car pmts | | | $300.00 | $300.00 |
| Insurance (not deducted from wages): | | | | |
| Auto | $130.00 | $130.00 | | |
| Life | $0.00 | $0.00 | | |
| Home | $0.00 | $0.00 | | |
| Renters | $36.00 | $36.00 | | |
| Other: | $0.00 | $0.00 | | |
| Total Insurance: | | | $166.00 | $166.00 |
| Taxes: (not deducted from wages) | | | $0.00 | $30.00 |
| Domestic Support (Alimony, Child Support) | | | $0.00 | $0.00 |
| Car Payments | | | $0.00 | $0.00 |
| Other Monthly Expenses | | | | |
| Entertainment | | | $50.00 | $50.00 |
| Charitable/Religious Donations | | | $0.00 | $0.00 |
| Other | | | $0.00 | $0.00 |
| Other | | | $0.00 | $0.00 |
| Other | | | $0.00 | $0.00 |
| Other | | | $0.00 | $0.00 |
| **TOTAL MONTHLY EXPENSES:** | | | **$3,476.00** | **$4,271.00** |

| **INCOME** | | | Prior Budget | Current Budget |
|---|---|---|---|---|
| Debtor's Gross Income: | | | $6,703.20 | $4,424.11 |
| Spouse's Gross Income: | | | $0.00 | $0.00 |
| Payroll Deductions: | | | | |
| Payroll Taxes | -$1,211.20 | -$799.32 | | |
| 401(k) Loan | -$103.36 | -$103.36 | | |
| Insurance | -$303.26 | -$303.26 | | |
| Gear | $0.00 | $0.00 | | |
| Other | -$201.10 | -$201.10 | | |
| Other | -$14.76 | -$14.76 | | |
| Total Payroll Deductions: | | | -$1,833.68 | -$1,421.80 |
| Other Regular Income: | | | | |
| Support/Alimony | $0.00 | $0.00 | | |
| Pension/SS/VA | $0.00 | $0.00 | | |
| Family Contributions | $0.00 | $0.00 | | |
| Other | $0.00 | $0.00 | | |
| Other | $0.00 | $0.00 | | |
| Other | $0.00 | $0.00 | | |
| Other: | $0.00 | $0.00 | | |
| Total Other Regular Income: | | | $0.00 | $0.00 |
| **TOTAL MONTHLY INCOME:** | | | $4,869.52 | $3,002.31 |

| **SUMMARY:** | | |
|---|---|---|
| Total Monthly Income | $4,869.52 | $3,002.31 |
| Minus Total Monthly Expenses | $3,476.00 | $4,271.00 |
| Equals Monthly Surplus: | **$1,393.52** | **-$1,268.69** |

| | | |
|---|---|---|
| Monthly Plan Payment: | $1,150.00 | $0.00 |
| Duration of Plan (months): | 60 Months | 39 Months |
| Dividend to Unsecured Creditors (' | 100.00% | 100.00% |
| Secured Creditors Affected: | | |

*Explain any increase/decrease in income/expenses that exceeds 10%:

Debtor anticipates that during her absence from work she will receive 67% of her regular pay once her short-term disability benfits begin. Debtor has substantially more medical expenses for doctor visits, tests and medications due to her illness than she did when the original budget was prepared. Client also has incurred some IRS debt she is paying in installments that she did not have when the bankruptcy petition was filed. Debtor has additional food expenses and lawn care expenses due to the fact that with her poor health she needs assistance with lawn care.

/s/Teresa Jean Preiss
*Debtor*
April 18, 2017
*Date*